

**WEEKLY CABINET REPORT**  
**Environmental Protection Agency**  
**Week of March 12, 2012**

**30-60 Day Outlook**

In mid-March, EPA expects to issue guidance clarifying underground injection control permitting requirements where diesel fuels are used during hydraulic fracturing to ensure that effective oversight of these activities is occurring as required by law.

In mid to late March, EPA expects to propose amendments to the electric generating unit NSPS and add a GHG standard for new, and reconstructed facilities.

On March 22, Administrator Jackson is scheduled to testify before the Senate Environment and Public works Committee.

On March 27-30, Administrator Jackson may attend the “Making Green Growth Happen” conference in Paris, France.

In March, EPA expects to release the draft report "Update to an Inventory of Sources and Environmental Releases of Dioxin-Like Compounds in the U.S. (1987, 1995, 2000)" for external peer review and public comment.

Late March or early April, expects to issue the final clean water protection guidance reaffirming protections for small streams that feed into larger streams, rivers, bays, and coastal waters.

On March 30, EPA is scheduled to post the final IRIS assessment for Soluble Halogenated Platinum Salts and Other Compounds. Platinum is used as a diesel fuel additive and also in jewelry production, automotive emission control catalysts (catalytic converters) and other commercial applications (e.g., oxidation catalysts).

During the week of April 9, EPA is scheduled to release two draft IRIS assessments for external peer review and public comment on ammonia and 1,2,4- and 1,3,5-Trimethylbenzene. Ammonia is used in fertilizers, household cleaners, as part of the fermentation process, and 1,2,4- and 1,3,5-Trimethylbenzene occurs in oil/gas extraction, special trades, and printing and publishing industries with exposures primarily expected from vehicle emissions.

On April 25, Administrator Jackson is scheduled to testify before the Senate Appropriations Hearing.

On April 27, EPA is scheduled to post the final IRIS assessment for ethylene oxide. Ethylene oxide is used in making many consumer products as well as in other commercial and industrial applications such as sterilizing medical and laboratory equipment and fumigating spices.

**Policy**

On March 12, EPA expects to issue a notice of data availability (NODA) related to the proposed rule for §316(b) Cooling Water Intake Existing Facilities published in April 2011. Section 316(b) of the Clean Water Act requires EPA to ensure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available to protect aquatic organisms. This NODA makes available for public review new data and information obtained since the proposed rule was published. This includes the results of a willingness-to-pay survey conducted in the Northeast U.S., a summary of 80 significant reports that agency has received, and a discussion of new ideas proposed by the Clean Energy Group (CEG) since proposal. EPA has developed a desk statement and web content to publicize this NODA. (New date coming from Mike)

On March 14, EPA and Scholastic, Inc., are announcing the release of the Spanish language version of “The Magic School Bus Gets Cleaned Up” – a free special edition book based on the award-winning Scholastic series. EPA and Scholastic first produced a very successful English-language version 5 years ago as an environmental education and literacy resource. Building on the success of the original English version, the new Spanish-language edition provides an opportunity to reach more of the nation’s young people.

On March 15, EPA will be honoring a select group of Energy Star partners that have demonstrated outstanding leadership and commitment to protecting America’s environment through superior energy efficiency. The 109 Energy Star award winners will be recognized at a ceremony in Washington, DC, which also kicks off EPA’s year-long celebration of Energy Star’s 20<sup>th</sup> anniversary. A business roundtable will also be convened to honor the program's 20th anniversary. The roundtable will be moderated by Greg Nelson, Deputy Director of the White House Office of Public Engagement, and will include the EPA Administrator and a small group of executives from America's leading organizations.



On March 15, EPA expects to release for public comment draft guidance for permitting the underground injection of oil and gas related hydraulic fracturing fluids using diesel fuels. The guidance applies to permitting decisions for the Underground Injection Control (UIC) Program where EPA is the permitting authority. EPA is developing guidance to clarify UIC permitting requirements where diesel fuels are used during hydraulic fracturing to ensure that effective oversight of these activities is occurring as required by law. Under the Safe Drinking Water Act, hydraulic fracturing is exempt from regulation under the UIC program except in cases where diesel fuels are used. A Congressional report from early 2011 showed that diesel is being used in hydraulic fracturing. There is a lawsuit pending against EPA, questioning the agency's authority to regulate diesel under Class II without notice and comment rulemaking. EPA will reach out to stakeholders and has developed a press release, web content, and a desk statement to publicize this guidance.

March 15, EPA will add nine hazardous waste sites that pose risks to human health and the environment to the General Superfund section of the National Priorities List (NPL). EPA also proposes adding 10 other sites to the list. Superfund is the federal program that investigates and cleans up the most complex, uncontrolled or abandoned hazardous waste sites in the country. (Karen is sending updated blurb)

By March 16, EPA is expected to respond to the Title V petitions from Zen-Noh Grain Corporation regarding Nucor Steel, under the terms of a consent decree. Nucor Steel, located in Louisiana, is a pig iron and Direct Reduced Iron (DRI) manufacturing plant operated by Nucor Corporation. Zen-Noh submitted two title V petitions: the first for the pig iron plant permit and the second for the DRI and modified pig iron plant permits. EPA will grant the petitions on two overarching issues: the Louisiana Department of Environmental Quality (LDEQ) has not adequately justified its decision to permit the DRI and pig iron plants as two separate projects; and LDEQ has not provided permit records from which the full scope of applicable requirements for the pig iron and DRI title V permits can be determined. (Mike is working on a new blurb)

During the week of March 12, EPA will propose amendments to the federal plan implementing the emission guidelines for existing hospital, medical and infectious waste incinerators (HMIWI) issued on October 6, 2009. In a concurrent action, EPA will propose amendments to eliminate an exemption to emission limits and standards during periods of startup, shutdown, and malfunction for new HMIWI sources. The amended federal plan would implement the revised emission guidelines for HMIWI located in states that have not submitted an acceptable revised/new state plan to the EPA. The amended federal plan would apply until states have EPA approved plans in effect. After state plans and the amended federal plan for existing HMIWI become effective on XX/XX/XXXX, sources will be required to comply with tighter emissions limits for all regulated pollutants, additional testing and monitoring requirements, and revised permit provisions. The implementation of these rules will help reduce emissions from pollutants including mercury, hydrogen chloride, lead, and dioxin/furans. Industry objected to the 2009 HMIWI emission guidelines, and they may object to this proposed amended federal plan.

#### **Press**

Betsaida Alcantara/Alisha Johnson/Andra Belknap

Mid-March, USA Today is expected to publish a story about lead smelter sites nationwide and EPA's ability and effectiveness to identify soil contamination during site assessments. The reporter has conducted interviews at the Regional and headquarter level. OSWER will create a website with additional information regarding lead, success stories, links to Agency lead efforts, etc. as a reference for the public and other interested parties. (Was this published this week?)

#### **Non-ARRA grants**

- \$14,252,000 – Capitalization Grants for Drinking Water State Revolving Funds – Arkansas Natural Resource Commission, Arkansas

#### **Legislative Engagement**

On March 5, Acting Assistant Administrator for Toxic Substances Jim Jones is scheduled to meet with Senator Jeff Sessions.

#### **Legal and FOIAs**

Kelley Smith/Monica Lewis

#### **Travel/meetings/speaking engagements for the Administrator**

Ryan Robison

On March 12, Administrator Jackson is scheduled to speak to students and faculty at the Kansas University Environmental Studies Program in Lawrence, KS.



On March 17, Administrator Jackson is scheduled to give the keynote address at the “Shattering the Glass Ceiling: Women and Leadership” discussion with Congressman John Lewis in Atlanta, GA.

**Travel/meetings/speaking engagements for the Deputy, Assistant Administrators and Regional Administrators**  
**Noha Gaber/Chad Nitsch/Denise Dickenson**

During the week of March 12, Regional Administrator Susan Hedman is scheduled to serve as a member of the U.S. delegation to the World Water Forum. She is scheduled to participate in a ministerial committee on green economy and green growth on the 13<sup>th</sup> and present an update on the U.S. - Canada Great Lakes Water Quality Agreement on the 15<sup>th</sup> in Marseille, France.

On March 12, Deputy Regional Administrator Ira Leighton is scheduled to be joined by the HUD Regional Administrator and the Commonwealth of Massachusetts Environmental Secretary at a press event highlighting the Water Sense Program "Fix a Leak Week" in Boston, MA.

On March 12, Regional Administrator Jared Blumenfeld is scheduled to speak at the Society of Toxicology’s annual meeting to announce a research partnership between EPA’s Office of Research and Development and L’Oréal cosmetics company designed to utilize EPA’s chemical toxicity forecaster (ToxCast) as an alternative to traditional animal-based toxicity tests and L’Oreal will announce that it is providing the EPA with \$1.2 million collaborative research funding in San Francisco, CA. (Open Press?)

On March 13, Regional Administrator Shawn Garvin is scheduled to host a closed press roundtable with agricultural stakeholders at the Havre de Grace Decoy Museum. Following the roundtable Shawn is scheduled to participate in a press event at the Museum with the National Fish and Wildlife Foundation to announce the availability of \$4 million in local grants and technical assistance in Havre de Grace, MD.

On March 13, Regional Administrator Jared Blumenfeld is scheduled to convene a meeting with San Joaquin Valley (SJV) community and environmental organizations to discuss their input into the forthcoming SJV Particulate Matter 2.5 air quality planning process in Modesto, CA.

On March 13, Regional Administrator Gwen Keyes Fleming is scheduled to co-host a closed press Energy, Environment, and Conservation Round Table with the Regional Administrators of HUD and GSA in Atlanta, GA.

On March 13, Senior Adviser to the Administrator for the Chesapeake Bay and Anacostia River Jeff Corbin is scheduled to present at a Chesapeake Bay TMDL Public Town Hall Meeting that is being hosted and moderated by Congressman Rigell of Virginia in City, State.

On March 13-14, Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response Lisa Feldt and the Deputy Assistant Administrator Barry Breen are scheduled to attend the Airborne Spectral Photometric Environmental Collection Technology Open House in College Park, MD.

On March 14, Regional Administrator Gwendolyn Keyes-Fleming is scheduled to unveil the Spanish-language version of the book “The Magic School Bus Gets Cleaned Up” at an open press event with the Mississippi Department of Education in Biloxi, MS.

On March 14, Assistant Administrator for Air and Radiation Gina McCarthy is scheduled to provide remarks at the Globe 2012 Biennial Conference and Trade Fair on Business and the Environment in Vancouver, Canada. (open press?)

On March 14, Deputy Regional Administrator Ira Leighton is scheduled to give a presentation highlighting community rain gardens at the annual Boston Flower Show. The event is open press and located in Boston, MA.

On March 14, Regional Administrator Shawn Garvin is scheduled to participate in a press event at the Ronald McDonald House that will recognize Fix-A-Leak Week in cooperation with Delta Faucet Co., in Philadelphia, PA.

On March 14, Regional Administrator Al Armendariz is scheduled attend a Fix an open press Leak Week kick-off event to highlight retrofits in the 12 non-profit organizations in the Dallas metro area that will save over 2,000,000 gallons and over \$9,700 per year in water utility bills. The event will be at the Promise House Emergency Youth Shelter in Oak Cliff, Texas.



On March 14, Regional Administrator Jim Martin is scheduled to testify at a public hearing in regarding Colorado's proposed rules for nutrients at the Colorado Department of Public Health and Environment in Denver, CO.

On March 15, Regional Administrators Jared Blumenfeld and Al Armendariz are scheduled to meet with Navajo Nation President Shelly and other Navajo Nation officials about a Class III permit to conduct in-situ leach mining of uranium in Albuquerque, NM.

On March 15-16, Assistant Administrator Gina McCarthy and Deputy Assistant Administrator Janet McCabe are scheduled host an energy environment and conversation Roundtable with Northwest Air Directors then tour regional port facilities and meet with tribal representatives in Seattle, WA.

On March 16, Chief of Staff to the Region 2 Administrator Lisa Plevin is scheduled to represent EPA at a signing ceremony for a Memorandum of Agreement committing Georgian Court University to green their campus in Lakewood, NJ. (Open Press? If so will keep in cab report- if not will move to supplemental)

On March 16, Assistant Administrator for the Office of Solid Waste and Emergency Response Mathy Stanislaus is scheduled to meet with representatives from the New York Mayor's office and Department of Environmental Protection's office to discuss the Gowanus Canal Superfund site in City, State.

#### **Other Information**

As early as Mach 12, EPA intends to send to the federal register its proposed NPDES Texas Coastal permit general permit. The current NPDES Texas Coastal permit general permit covers 36 state lease tracts and 8 operators located in or near the bay and estuaries along the Texas Coast. Drilling fluids, drill cuttings, and produced water are prohibited from being discharged under the Texas Coastal Oil and Gas general permit. EPA issues this permit because the Texas Railroad Commission, which has jurisdiction over oil and gas discharges in Texas, has not requested authorization of the NPDES program. EPA will host a public meeting in Houston on April 11 to discuss the permit. While the proposed permit remains under development, EPA does not expect the proposed changes to to draw significant attention. The current permit will expire on July 6, 2012.

During the week of March 12, EPA Region 10 will hold three public hearings in Alaska as part of the public comment period for the NPDES General Permits for Arctic Oil and Gas Exploration activities. There will be one public hearing in Barrow (on the North Slope) on March 13 and two in Anchorage on March 15 and 16.

On March 14, validated results from the first week of EPA sampling of home wells in Dimock, Pa., are expected to come in. Information packets will be prepared for the individual homeowners sampled, as well as overall messages for interested external stakeholders, i.e., media and elected officials. (is this new date accurate?)

On March 15, 2012, under consent decree, EPA Regional Administrators will be taking multiple actions on regional haze State Implementation Plans (SIPs). A proposed SIP will be approved for Connecticut and a final SIP action will be approved for Maine. Regional Administrators will be also be signing individual final decisions on regional haze for Kentucky, the District of Columbia, Tennessee and West Virginia. These actions will approve those states' SIPs with the exception of elements involving the state's choice of best available retrofit controls (BART) for electric generating units for NOx and SO2. We will disapprove those portions of the states' SIPs and finalize federal implementation plans (FIPs) for these states when the rule establishing the Cross State Air Pollution Rule (CSAPR) as better than BART is issued on May 30, 2012. The states expect this approach. These actions are not likely to be controversial with states or sources, but may be with environmental groups several of whom have indicated disagreement with the "CSAPR Better than BART" approach EPA is taking.

#### **SUPPLEMENTAL**

The Week of March 12 is the EPA WaterSense program's 4<sup>th</sup> annual Fix-A-Leak Week to remind Americans to find and fix common household leaks. The average house leaks about 10,000 gallons per year. Delta Faucet, the 2011 WaterSense Manufacturer Partner of the Year, is teaming up with partners in 10 cities nationwide to prevent and repair leaks in up to 2,000 low-income homes and/or nonprofit organizations such as homeless shelters. Regional Administrators in these cities are expected to participate in local events.

On March 15, EPA will issue the annual report summarizing surveys completed by the OSV Bold in 2011. Data gathered by the OSV Bold is necessary to help EPA make policy decisions related to requirements in the Clean Water Act and the Marine Protection, Research, and Sanctuaries Act. In 2011, the OSV Bold supported scientific surveys over a wide variety of geographic areas, including the Atlantic Coast, the Gulf of Mexico, the Florida Keys, and the Caribbean Sea.



As early as March 14, EPA Region 10 will issue a press release announcing final NPDES permits for two City of Boise wastewater treatment plants. The permits include a provision for a “reopener” that ultimately will allow the City to use an innovative “offset” of its phosphorus limits by treating a downstream non-point source, called the Dixie Drain. The permits will likely be reopened later this spring to allow for the details of the Dixie Drain phosphorus reduction offset to be included in the permits. There will be a public review and comment period later, once the details of the Dixie Drain project are put in the permit. This offset/trading project is unique and one of few in the country.

On March 15, Senior Advisor Cameron Davis is scheduled to host a closed press Energy Environment and Conservation roundtable with Michigan public interest and conservation leaders in Lansing, Michigan.

On March 16, Senior Advisor Cameron Davis is scheduled to give the keynote address at the 2012 Saginaw Bay Watershed Conference hosted by Michigan State University in Bay City, MI.

During the week of March 28, an EPA article entitled "Potential Climate Change Impacts on Human Health Due to Changes in Ambient Ozone Concentrations" is tentatively expected to be published in Environmental Health Perspectives. This publication examines the potential relationships between climate change, changes in air quality, and potential impacts on human health and how various modeling assumptions impact the range of estimated ozone-related human health impacts of climate change. Findings from this report highlight the need to use an ensemble of approaches, rather than rely on any one set of models, to assess the potential risks associated with ozone related human health effects resulting from climate change.

## **REGION 1**

## **REGION 2**

## **REGION 3**

During the week of March 12, EPA Region 3 expects continued press inquiries regarding the schedule and status of the sampling results. Validated results from the first week of EPA sampling of home wells in Dimock, Pa., started to come in during the week of March 5. Information packets are being prepared for the individual homeowners sampled, as well as overall messages for interested external stakeholders. Data is expected to be released to the homeowners in approximately a week or two, and after the communications strategy has been finalized.

## **REGION 4**

## **REGION 5**

## **REGION 6**

Check with region 6 on Texas costal Permit

On March 16, EPA, under a negotiated settlement, will respond to two Title V petitions from the Zen-Noh Grain Corporation objecting to the issuance of permits for the Nucor Steel Facility. Nucor Steel Louisiana received Title V and PSD permits from the Louisiana Department of Environmental Quality to construct and operate a pig iron manufacturing facility and a Direct Reduced Iron manufacturing facility near the town of Convent, in St. James Parish, Louisiana. In addition to the two petitions submitted by Zen-Noh Grain Corporation, Region 6 also received two Title V petitions filed by Tulane University Law Clinic on behalf of the Sierra Club and LEAN. EPA has received a Notice of Intent to Sue from Tulane University Law Clinic for the remaining two petitions but has not negotiated a final date to respond to the petitions.

## **REGION 7**

## **REGION 8**

## **REGION 9**

## **REGION 10**

During the week of March 12, Regional Administrator Dennis McLerran is scheduled to meet with the Director of the Oregon Department of Environmental Quality (via teleconference) and separately with the Commissioner of the Alaska Department of Environmental Conservation (via teleconference).

On March 15, Regional Administrator Dennis McLerran is scheduled to meet in Seattle with the leadership of the Northwest Interagency Partnership for Sustainable Communities (HUD/DOT/EPA partnership) for a status report on our collective work on the partnership (closed press).

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**OMITTED FROM BOTH REPORTS****One addition to last week's report:****New Entries for Previous week**

On March 7, Regional Administrator Gwen Keyes Fleming will hold a conference call with the Mayor of West Palm Beach, FL to listen to concerns that the construction of State Route 7 will jeopardize millions of dollars EPA contributed towards the creation of the wetlands preserve that serves the city's drinking water supply, violates the 404 permit, and adversely impact the preserve. To date, EPA has been involved in a planning level review of this project using the FDOT interagency project screening tool.

On March 8-9, Regional Administrator Gwen Keyes Fleming will hold individual state budget calls with the eight State Commissioners. The purpose of the calls is to provide updates to the states on any funding impacts to state programs.